

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Richard Eugene Warren, #70974-083,)
Petitioner,) C/A No. 3:10-2087-MBS
vs.)
Darlene Drew, et al.,)
Respondent.)

)

O R D E R

Petitioner Richard Eugene Warren is an inmate in custody of the Federal Bureau of Prisons. At the time of the underlying events, Petitioner was housed at FCI-Bennettsville in Bennettsville, South Carolina. Petitioner, proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, alleging that he was forced to enter into an Inmate Financial Responsibility Program (IFRP) contract. Petitioner asserts that he is exempt from the IFRP.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On November 30, 2010, the Magistrate Judge issued a Report and Recommendation in which he noted that a § 2241 petition must be filed in the judicial district that can acquire in personam jurisdiction over a petitioner's warden or other custodian. See Rumsfeld v. Padilla, 542 U.S. 426, 434-35 (2004). Petitioner now is housed at FCI-Fort Dix in Fort Dix, New Jersey. Accordingly, the Magistrate Judge recommended that the within action be transferred to the United States District Court for the District of New Jersey, where Petitioner currently is confined. Petitioner filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Petitioner’s § 2241 petition is transferred to the United States District Court for the District of New Jersey.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

February 11, 2011.